

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

RESET CONFIRMATION HEARINGS
IN CHAPTER 13 CASES

STANDING ORDER NO. 1-JRS

Unless otherwise directed by the Court, or agreed to by the parties as set forth below, the following procedures will apply, without further order of the Court, to all confirmation hearings¹ in Chapter 13 cases pending before the Honorable James R. Sacca, in which a confirmation hearing, scheduled on or after April 5, 2011,² is reset to a future date (the “Reset Hearing”).

1. When the confirmation hearing in a Chapter 13 case is reset to a future date, then no later than six (6) business days before the Reset Hearing (the “Deadline”),³ the Debtor or Debtor’s attorney must (a) file with the Court any amendments or supplements that are required to comply with the Bankruptcy Code and Rules and otherwise make the plan confirmable (the “Amendment” or “Amendments”), (b) deliver to the Chapter 13 Trustee any information or documents that are necessary to comply with the Bankruptcy Code and Rules and otherwise make the plan confirmable (the “Information”), and (c) file with the Court notice of delivery of the Information to the Chapter 13 Trustee (the “Notice of Delivery”).⁴ If the Debtor believes no Amendments are necessary and that

¹ This Standing Order applies to all confirmation hearings in a given case, including the original confirmation hearing and all reset hearings.

² For purpose of clarity, if a confirmation hearing on March 31, 2011 was continued until May 5, 2011, it would not be governed by the terms of this Standing Order.

³ For example, if the Reset Hearing is on a Thursday, the Deadline to comply shall be the Wednesday of the prior week, provided there are no legal holidays in the interim.

⁴ The Information, itself, does not have to be filed with the Court, nor does the notice have to itemize what Information was delivered.

all Information has been provided, a notice shall be filed on or before the Deadline stating that the Debtor asserts the case is ready to be confirmed (the “Confirmation Notice”). In addition, the Debtor or Debtor’s attorney must schedule the hearing on any objection to a claim or motion necessary to confirm a plan, including but not limited to, a motion to strip or avoid a lien so that the hearing thereon is held no later than the Reset Hearing. Subject to paragraph 3(c) of this Standing Order, the failure to timely file an Amendment, Notice of Delivery or Confirmation Notice; deliver Information; or timely schedule a hearing on a motion or objection as set forth above may result in denial of confirmation and dismissal or conversion of the case without further notice or hearing.

2. If the Chapter 13 Trustee objects to confirmation of the plan because Debtor has failed to fund the plan, the Debtor must bring funding current within ten (10) calendar days after the confirmation hearing for which the reset is being requested (the “Funding Deadline”). If Debtor fails to bring funding current by the Funding Deadline, the case may be dismissed or converted without further hearing upon the filing by the Chapter 13 Trustee or any other party in interest of a status report setting forth Debtor’s failure to bring funding current by the Funding Deadline (the “Funding Status Report”). The Chapter 13 Trustee or other party in interest shall promptly serve a copy of the Funding Status Report upon Debtor and Debtor’s counsel. Debtor shall also continue to timely make all payments coming due on or after the Funding Deadline (the “Future Payments”) until the Reset Hearing or dismissal or conversion of the case. If Debtor fails to make any Future Payments, the Chapter 13 Trustee, or any other party in interest, may file a written notice with the Court setting forth with specificity the facts establishing Debtor’s default (the “Future Payments Default Notice”), and shall promptly serve the Future Payments Default Notice on Debtor and Debtor’s counsel. If the default on the Future Payments is not cured within ten (10) calendar days after the filing of the Future Payments Default Notice, the case may be dismissed or converted without further notice or

hearing. If Debtor objects to the Future Payments Default Notice, then prior to the entry of an order dismissing or converting the case, Debtor must file a written notice setting forth either: (a) that the default has been cured, even if it is cured after the applicable ten day period, or (b) the default did not exist (the "Cure Notice") . If a Cure Notice is filed prior to the entry of an order dismissing or converting the case, the case will not be dismissed or converted without further notice and opportunity for a hearing. If a dispute exists as to whether Debtor defaulted in his or her obligations set forth above or whether such default has been cured, such matter will be heard at the Reset Hearing or such earlier date as requested by the parties, provided, however, that, absent further order of the Court, a hearing shall be conducted upon no less than ten (10) calendar days notice to the parties.

3. The foregoing is without prejudice to the rights of (a) the Debtor or the Chapter 13 Trustee to request a reset confirmation hearing on different terms, which request must be made and considered by the Court at or before the time of the confirmation hearing for which the reset is being requested, (b) the Debtor and Chapter 13 Trustee to agree to different terms, which agreement shall be read into the record at the time it is announced that the hearing will be reset or (c) the Debtor to file, on or before the Deadline, a motion to (i) continue the Reset Hearing, (ii) extend the time to perform the obligations under this Standing Order or (iii) otherwise modify the obligations under this Standing Order (the "Hearing Motion"), which motion must set forth the reasons therefore, including but not limited to what Debtor believes are the remaining issues to be resolved or actions that must be taken in order for the plan to be confirmed.

4. Service of the Hearing Motion, Cure Notice, Notice of Delivery and Confirmation Notice shall be effected by service of a notice of electronic filing in accordance with BLR 5005-8(b) and no other service or certificate of service shall be necessary.

5. This Standing Order replaces the Standing Order No. 1-JRS dated April 6, 2011.

IT IS SO ORDERED, this 20th day of April, 2011.



JAMES R. SACCA
UNITED STATES BANKRUPTCY JUDGE